



## Legislation Details (With Text)

<b>File #:</b>	221049	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Passed	
<b>File created:</b>	11/22/2022	<b>In control:</b>		Council	
<b>On agenda:</b>	12/15/2022	<b>Final action:</b>		12/15/2022	
<b>Title:</b>	Sponsor: Director of the Health Department				
	Amending Chapter 46, Code of Ordinances, entitled "Noise Control" by repealing and replacing 46-39 and 46-40 with new Sections 46-39 and 46-40 of like title and by adding a new 46-50, entitled "Penalties-Court," for the purpose of adding back a municipal court penalty section.				
<b>Sponsors:</b>	Director of Health				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Noise Control Amd FY23 - Docket Memo, 2. Noise Control Amd FY23 - Fact Sheet, 3. 221049com, 4. Noise Control Amd FY23 - Fiscal Note, 5. 221049 in Favor - Shawn Toliver, 6. Authenticated Ordinance 221049				

Date	Ver.	Action By	Action	Result
12/15/2022	1	Council	Passed	Pass
12/14/2022	1	Finance, Governance and Public Safety Committee		
12/8/2022	1	Council	referred	

### ORDINANCE NO. 221049

Sponsor: Director of the Health Department

Amending Chapter 46, Code of Ordinances, entitled "Noise Control" by repealing and replacing 46-39 and 46-40 with new Sections 46-39 and 46-40 of like title and by adding a new 46-50, entitled "Penalties-Court," for the purpose of adding back a municipal court penalty section.

WHEREAS, outcomes from noise disturbances have been shown to negatively affect the health of residents; and

WHEREAS, lack of sleep is associated with anxiety, contributing to substance use disorders, and increasing the severity of psychiatric symptoms, and may play a role in cardiovascular risk factors; and

WHEREAS, in children, sleep disturbances can impair cognition and worsen attention deficit hyperactivity disorder; and

WHEREAS, the City always seeks to improve its laws to fill in gaps and make them more effective to improve the quality of life for its residents; and

WHEREAS, these changes to the current Noise Code involve enforcement of the noise ordinance in instances which do not require decibel readings,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 46, Code of Ordinances, entitled “Noise Control” is hereby amended by repealing and replacing 46-39 and 46-40 with new Sections 46-39 and 46-40 of like title and by adding a new 46-50, entitled “Penalties-Court,” for the purpose of adding back a municipal court penalty section, said sections to read as follows:

## **ARTICLE I. - IN GENERAL**

### **Sec. 46-39. Administration citation fine for violation of chapter.**

(a) The Director of Health may issue an administrative citation for violations of any provision of this Chapter in lieu of the penalty provisions of section 46-50.

(b) The administrative citation fine amount for a first violation under the provisions of this Chapter shall be \$100.00 and each day that a violation continues shall constitute a separate offense for which the violator may be fined.

(c) The administrative citation fine for repeat violations of the same City Code provision by the same person within 12 months from the date of the first violation shall be as set forth in the following schedule and each day that a violation continues shall constitute a separate offense for which the violator may be fined:

- (1) Second violation: Not less than \$100.00 but not more than \$300.00.
- (2) Third violation: Not less than \$300.00 but not more than \$500.00.
- (3) Fourth and subsequent violations: Not less than \$500.00 but not more than \$1,000.00.

(d) Any administrative citation fine which is not paid on or before its due date shall accrue a one-time penalty in an amount equal to the original administrative citation fine. Said penalty shall be collected in the same manner as the underlying fine.

(e) The director may waive a portion of the amount of administrative citation fines that have accumulated as a result of non-compliance with City Code provided that the owner has achieved compliance in a timely manner and there are no other violations of chapter 46.

### **Sec. 46-40. Payment of Administrative Fine.**

(a) The alleged violator must either pay the scheduled administrative citation fine by the due date indicated on the administrative citation or request a hearing within 20 days from the date of the administrative citation as outlined in Sec. 46-42.

(b) Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the City Code violation that is the subject of the administrative citation.

(c) If an administrative citation fine is not paid within the time specified and no request for a hearing is timely received, the nonpayment of the fine will constitute a personal obligation of the violator. A personal obligation may be collected by the city by any appropriate legal means including assessing the applicable

property.

**Sec. 46-50. Penalties-Court.**

(a) Any first violation of this Chapter is punishable by a fine of \$100.00, plus any applicable court costs.

(b) The fines for repeat violations of the same City Code provision by the same person within 12 months from the date of the first violation shall be as set forth in the following schedule, plus any applicable court costs:

(1) Second violation: Not less than \$100.00 but not more than \$300.00.

(2) Third violation: Not less than \$300.00 but not more than \$500.00.

(3) Fourth and subsequent violations: Not less than \$500.00 but not more than \$1,000.00, and/or up to 180 days in jail.

(c) Every day that a violation continues shall be considered a separate offense, for which the violator may be tried and convicted without necessity of further notice.

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Approved as to form:

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Joseph Guarino  
Senior Associate City Attorney